


FILED**APR 04 2014****UNITED STATES DISTRICT COURT**for the
Western District of TexasCLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 

DEPUTY

United States of America

v.

Albert HIBBERT

Case No.

3:14-M-1387-ADGDefendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 04/03/2014 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:*Code Section*

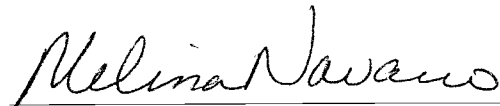
18 USC section 2252(a)(4)

Offense Description

On or about April 3, 2014, defendant Albert Hibbert, a citizen of the United States, did possess images of child exploitation, in violation of Title 18 U.S.C. 2252(a): Possession of Material Involving the Sexual Exploitation of Minors

This criminal complaint is based on these facts:

See Attached Affidavit

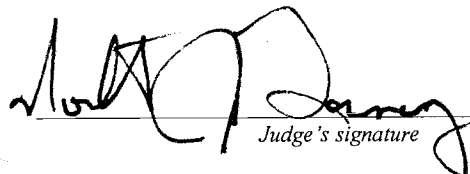
☒ Continued on the attached sheet.

Complainant's signature

Melissa Navarro, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/04/2014City and state: El Paso, Texas

Judge's signature

Norbert J. Garney, U.S Magistrate Judge

Printed name and title

AFFIDAVIT

On February 5, 2014, Special Agent (SA) Melissa Navarro with the U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), Cyber Crimes Group (CCG), was assigned an Operation Protego lead indicating Internet Protocol (IP) address 99.95.119.91 had registered an account on the Russian photo sharing website IMGSRG. The account was registered on April 11, 2012 under the user name swellldad. Albums posted to the website by swellldad were titled Amanda, julygirls, junegirls, October treats, October treats2, September gurls. The albums contained images of preteen girls and were indicative of images posted by persons seeking to trade in child exploitation material. Chat logs were also posted on the website showing conversations between members of the website about the albums posted by the members. Comments posted by swellldad include, "I want her to turn to me and throw her arms around me, then start kissing me as her lover while I explore all the wonders of her little girl body" and "I'd say about 11, not any older than that for sure."

Law enforcement database checks revealed that IP address 99.95.119.91 was assigned to an Internet Service Provider (ISP) in El Paso, Texas. The ISP was identified as AT & T Internet Services. On February 5, 2014, HSI CCG SA Melissa Navarro filed a summons to AT & T Internet Services, who was identified as being the internet service provider for IP Address 99.95.119.91. On March 5, 2014, SA Navarro received a response from AT & T pertaining to IP Address 99.95.119.91. According to AT & T, the subscriber for IP Address was identified as Albert HIBBERT, 10216 Cardigan Dr, El Paso, Texas 79925. Records from AT & T also indicated that Internet service was initiated on 07/13/2012 and has been active thru the date of the request.

On April 3, 2014, the HSI El Paso Cyber Crimes Group executed a "Knock and Talk" in the Western District of Texas at El Paso, Texas 79925, residence of Albert Buck HIBBERT (DOB: [REDACTED]). HIBBERT gave consent to search his residence and personal computers.

HSI Special Agents Melissa Navarro and Joel Rodriguez interviewed HIBBERT at his residence. SA Rodriguez gave HIBBERT a Miranda Rights form in the English language. HIBBERT read and signed the form, agreeing to waive his rights and speak to investigators.

HIBBERT stated he does not have images of child exploitation material on his laptop or desktop computer. HIBBERT stated he has never received images of child exploitation material. HIBBERT stated he had no knowledge of a website named IMGSRG and has never used the user name swellldad. HIBBERT stated he has never used Peer-2-Peer software for file sharing and he uses the internet mainly to look for work. HIBBERT stated he is currently unemployed and has worked as a music teacher in the past. HIBBERT stated he established internet service at his residence in the summer of 2012.

HIBBERT then admitted he had been on IMGSRG a long time ago in 2012. HIBBERT admitted he uploaded albums of photos of random teenagers he found on Facebook. HIBBERT stated the pictures were of girls ages 15 and up. HIBBERT stated there was no nudity, all the girls in the photos were dressed. HIBBERT stated he did not recall posting the comments "I want her to turn to me and throw her arms around me, then start kissing me as her lover while I explore all the wonders of her little girl body" and "I'd say about 11, not any older than that for sure." HIBBERT stated he did post comments but he was just expressing his opinion about photos posted by other people.

HIBBERT stated he used the search terms teens, young, girl, teenage, and young teen porn. HIBBERT stated he was familiar with the search term PTHC and knows it is an abbreviation for pre-teen hardcore but has never searched for it.

HIBBERT stated it was possible that images of child exploitation material may have accidentally been downloaded to his hard drive but he could not provide an explanation as to how images could be accidentally downloaded. HIBBERT stated people from IMGSRG would send him emails with zip files attached but he would delete them. HIBBERT stated the zip files he received may have contained child exploitation material.

HIBBERT admitted he was attracted to 8 to 16 year old girls and he searched for pictures of them in their underwear and in swimsuits.

HSI Computer Forensic Agents (CFA) conducted a forensic preview of the laptop computer which revealed it contained images depicting the sexual exploitation of minors in HIBBERT's Yahoo messenger file. One image was of a nude prepubescent female approximately 9 to 10 years old lying down on sand. Another image was of three nude prepubescent females lying down on a bed. Another image was of two female toddlers approximately 3 or 4 years old sitting on a couch exposing their vaginas. Another image was of a nude adult male sitting on an office chair hugging a nude prepubescent child.

The case was accepted by Assistant United States Attorney Robert Almonte. HIBBERT was transported to the El Paso County Detention Facility, processed, and detained while awaiting his initial appearance.